

***Remarks***

Reconsideration of this Application is respectfully requested.

Claims 1-18 are pending in the application, with claims 1 and 12 being the independent claims. No amendments have been made to the claims.

Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

***Rejection under 35 U.S.C. § 103***

Claims 1-18 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Pat. No. 5,559,967 to Oprescu et al. ("Oprescu") in view of material the Examiner alleged was Applicants' Admission of Prior Art (AAPA). Applicants respectfully traverse this rejection.

As also discussed below, the Applicants strongly disagree with the assertion that any material in the specification could be considered an admission by the Applicants that any of the claimed subject matter was known in the prior art.

Applicants note that the Examiner did not specifically reject the features recited in claim 1, but rather, in the body of the rejection, only discussed the features recited in claim 12. Without acquiescing to claims 1 and 12 standing or falling together, in order to provide a bona fide response to the outstanding Office Action, Applicants present arguments below for exemplary distinguishing features of claims 1 and 12 which may be seen as similar.

Claims 1 and 12 recite features that distinguish over the applied references.

For example, claim 1 recites:

a tone pattern generator configured to generate a tone pattern signal;  
...  
a serializing device configured to serialize either the tone pattern signal or the data input signal;  
...  
a driver configured to differentially transmit the serialized tone pattern signal or the serialized data input signal.

Also, for example, claim 12 recites:

means for generating a tone pattern signal;  
...  
means for serializing the tone pattern signal or the data input signal;  
...  
means for transmitting one of the serialized tone pattern signal or the serialized data input signal ....

The Examiner stated that column 4, lines 7-11, and Figure 19 of Oprescu teach, "generating a tone pattern signal," as recited in claim 12, and using respective language, in claim 1. However, Applicants assert that this section of Oprescu teaches a speed signaling mechanism: "[f]ig. 19 . . . show[s] the implementation of a full duplex speed signaling mechanism . . . ." (Oprescu column 4, lines 7-9) Specifically, this mechanism uses current amplitude to differentiate between speeds, as disclosed in column 18, lines 4-28. Nowhere does Oprescu teach or suggest at least the above-noted feature.

Also, the Examiner stated that column 17, lines 2-12, and Figure 19 of Oprescu teach, "serializing the tone pattern signal or the data input signal," as recited in claim 12, and using respective language, in claim 1. However, Applicants assert that this section of Oprescu teaches how to transmit both differential and common mode signals: "[i]n order to enable the concurrent transmission of differential and common mode signals, the

first transceiver 14 comprises both a first differential transceiver 22 and a common mode transmitter 27." (Oprescu column 17, lines 7-10) Nowhere does Oprescu teach or suggest at least the above-noted feature.

Further, the Examiner stated that Figures 3A, 3B, 4, 13, and 19 of Oprescu teach "transmitting one of the serialized tone pattern signal or the serialized data input signal," as recited in claim 12, and using respective language, in claim 1. However, Applicants assert that these portions of the applied reference teach how to arbitrate signals. Nowhere does Oprescu teach or suggest at least the above-noted feature.

Therefore, for at least these reasons, Oprescu cannot be used to establish a prima facie case of obviousness against at least these above-noted features of claim 12, and allegedly similar features recited using respective language in claim 1.

Further, the material that the Examiner alleged to be AAPA does not overcome the deficiency of the rejection based on Oprescu. Since neither Oprescu nor the alleged AAPA, separately or in combination, teach each and every feature of claims 1 and 12, the references cannot render these claims obvious.

Still further, Applicants again respectively assert that there is no AAPA in any aspect of the instant specification regarding any features recited in the claims, as stated by the Examiner at pages 3-4 of the Office Action. Applicants disagree that any disclosure contained in any statement in the specification could be considered as the Applicants admitting that any of the claimed subject matter was known, i.e., not novel or non-obvious.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection, and find claims 1 and 12 allowable over the applied reference

and the alleged AAPA. Claims 2-11 and 13-18 depend from independent claims 1 and 12, respectively. In accordance with the above arguments, and further in view of their respective features, claims 2-11 and 13-18 are also allowable over the applied reference.

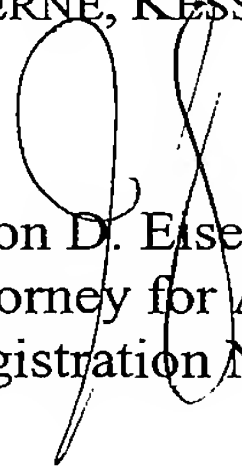
### ***Conclusion***

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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